

Docket No.: IK-0075



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.: 2184

Ji-Sung PARK, Red-Heat OH, Sang-Hyuk IM and Kwon-Jin KANG

Group Art Unit: 3676

Serial No.: 10/784,793

Examiner: Mark A. Williams

Filed: 2/24/2004

Customer No.: 34610

For: SWIVEL HINGE AND PORTABLE TERMINAL USING THE SAME

REPLY TO ELECTION/RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In reply to the Election/Restriction Requirement of May 17, 2006, Applicants hereby elect Species I, Figures 3-4 (claims 1-14), with traverse, for prosecution in the above-identified application.

1) Applicants respectfully submit that the Election is improper because the Figures subject to the election do not illustrate mutually exclusive characteristics of Figures 3-4 and 9A-9C with 11, respectively. Namely, the features illustrated and claimed in Figures 3-4 (magnets) are not mutually exclusive with the features illustrated and claimed in Figures 9A-9C and 11 (stoppers). In particular, claims 14, 26 and 27

(withdrawn) recite features illustrated in Species I and II. Further, the corresponding claims do not recite mutually exclusive characteristics of the species. See MPEP 806.04(f).

Therefore, the election is improper and should be withdrawn and claims 1-26 be examined. Applicants respectfully note claims 1-14, 26 and 27 read on Figures 3-4; claims 14-27 read on Figures 9A-9C and 11, respectively. However, Applicants respectfully submit that at least claims 1-26 are generic claims (because features recited in dependent claims 14 and 26 and in withdrawn independent claim 27 are directed to both designated species).

2) Further, Applicants respectfully submit that since a prior art search has been performed, prosecution of the pending claims in one application can be performed and is not an undue burden to the Examiner.

3) In addition, it is respectfully submitted that the subject matter of each of the designated inventions is sufficiently related that a thorough search for the subject matter of each of the designated inventions would encompass a search for the subject matter of the remaining designated inventions. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it states that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it

includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the U.S. Patent and Trademark Office.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Carl R. Wesolowski**, at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Carl R. Wesolowski
Registration No. 40,372

P.O. Box 221200
Chantilly, VA 20153-1200
(703) 766-3701 DYK/CRW:jld
Date: August 8, 2006